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(Date of Submission)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative

/FRANK C. NICHOLAS/
Signature

September 27, 2006
Date of Signature

PATENT
Case No. 7780/16
(P-00303)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
RODNEY E. NORWOOD)	Examiner: Green, Christy Marie
)	
Serial No.: 10/005,391)	
)	Group Art Unit: 3635
Filed: DECEMBER 5, 2001)	
)	
Title: MOBILE CELLULAR)	
TELEPHONE TOWER)	

**PETITION TO RULE ON PETITION TO WITHDRAW HOLDING OF
ABANDONMENT**

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Applicant petitions that the Office issue a ruling on Applicant's petition for a
ruling that this case is not in fact abandoned.

Despite previously filing a petition, the Office has yet to issue a ruling, more than six months after filing.

The PTO issued a notice of abandonment dated November 29, 2005 indicating that Applicant did not timely pay the publication fee. However, Applicant did, in fact timely pay the publication fee.

Attached hereto is a copy (Exhibit A) of the transmittal form filed with the issue fee payment of September 27, 2005 indicating that the Commissioner was authorized to charge any fees which may be required to deposit account 50-1713. A duplicate copy of the sheet was also filed. A copy of the OIPE stamped transmittal form is also attached as Exhibit B, and the complete package filed on September 27, 2005 (including the 5 pages faxed to the PTO with the auto-reply facsimile transmission indicating 5 pages received) is attached as Exhibit C.

Therefore, Applicant did in fact timely authorize the Commissioner to charge the publication fee at the same time as the issue fee. Thus, the holding of abandonment is a PTO mistake.

Applicant requests a holding that this case is not abandoned, and has never been abandoned. Applicant requests that the case then proceed to issuance with all due haste.

Dated: September 27, 2006

Respectfully submitted,

/FRANK C. NICHOLAS/

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